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LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			JACKSON, ANDRE L	
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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/768,458  
Filing Date: January 25, 2001  
Appellant(s): KRAFT ET AL.

Ramraj Soundararajan  
(#53,832)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed November 18, 2005 appealing from the Office action mailed June 29, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

USPN 6,810,527

Conrad et al

10/2004

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-10, 12, 15-17, 19-28, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,810,527 to Conrad et al. Conrad et al discloses a media distribution system and method for increasing the value of services of both advertisers and passengers, the system and method comprising;

electronically (col. 10, lines 10-13) acquiring service channel schedules (advertisements, shows and film) of one or more services providers (44, 46); an event retriever (45), the event retriever generating an event pair which comprises a target value (estimated time of arrival) and

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an actual value (actual arrival time) associated with a schedule of services (50, 53); a global operations center GOC (42) linked with the event retriever detecting an unexpected change in the schedule (col. 12, lines 16-26); an event observer (43), the event observer receiving the event pair from the event retriever, calculating the difference between the actual and target values and base on one or more rules from a first set of rules (313 col. 5, lines 49-55), identifying an notifying a window of opportunity detector (222) if the passengers are effected (blocked/delayed/inactive) due to the unexpected change in schedule, wherein each potential window of opportunity defines a time period of passenger inactivity; the window of opportunity detector, which receives the potential windows of opportunities, detects, based on one or more rules from a set of second rules (col. 11, lines 1-14) stored in rule database (211), if an opportunity exists, and if so, matches and distributes (col. 10, lines 50-53) the detected windows of opportunities from the service providers who will benefit for the purpose of providing a new product or service to the passengers during the period of inactivity (col. 15, lines 25- 44).

As to claim 5 and 23, Conrad et al (col. 6, lines 30-35) discloses that the threshold rule is a set of criteria that govern and determines the variables (difference in target and actual values) associated with the service channel schedules to maximize the advertisers services to the targeted passengers that may likely benefit the most from the specific advertisements.

As to claim 7, 9, 19, 22, 26, 32, Conrad et al discloses that the GOC defines a subscription management service software, wherein the service channel schedules are generated based on subscriptions with service providers and airlines requesting a subscription to sell their advertisements to passengers via the airline (col. 6, lines 42-58 and col. 7, lines 48-58).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 13, 18, and 29- 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad et al. Although Conrad et al discloses that the data transmitted between the major components is encoded data over a number of communication links well known within the art including the Internet (col. 10, lines 10-14), Conrad et al does not specifically disclose that this data schema is document type definition (DTD) or extensible markup language (XML). It is well known within the art that the wide spread growth of the Internet has yielded a need to create data expansion driven software designed to present increased user-friendly interfaces (i.e. DTD, XML, WML). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include XML or DTD schema within the media distribution system of Conrad et al to provide a system including software offering trouble-free business- to- business practicality.

As to claim 11, Conrad et al discloses that the media distribution system defines an airlines processor (45) for gathering real-time data from an aircraft navigation system, Conrad et al does not disclose that the processor is a web crawler as claimed. However, it is obvious to one having ordinary skill in the art that the operation to retrieve, interpret and execute data obtained from the computer platforms of media distribution systems, achieve the same end result as

applicant's web crawler and, since no new or unexpected result is achieved, the processor disclosed by Conrad et al operates equally as well.

**(10) Response to Argument**

***Response to Appellant's Arguments***

Appellant's arguments filed in the Appeals Brief of November 18, 2005 have been fully considered but they are not persuasive. At the outset, appellant contends that the prior art relied upon by the Examiner (Conrad et al) fails to meet every limitation recited in the claim based upon appellant's viewpoint. Here, the Examiner believes appellant fails to realize claims are given the broadest reasonable interpretation in light of the specification.

First, appellant's remarks pertaining to appellant's independent claims 1 and 20 that Conrad et al fails to disclose or suggest an event pair, in particular "an event retriever, said event retriever generating an event pair which comprises a target value and an actual value". The Examiner relies upon the disclosure of an airline (col. 4, lines 20-22) which the Examiners equates to appellant's event retriever, the Examiner clearly uses reference to an airline as a central location linked to a plurality of member aircraft invariably in communication with the aircraft via (airport terminals) with electronically positioning systems to track or monitor all flight information such as arrivals, delays, cancellation, on-time, departures and other flight information, in which the Examiner interprets an arrival or departure time to an actual arrival or departure time as a target value and an actual value. Thus, an airline as set forth in the Final Office Action of June 29, 2005 defines the airline as event retriever that can perform the tasks of

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retrieving/extracting/acquiring/posting from the fleet of aircraft all flight scheduling data to determine/generate an event pair (arrival/departure- actual arrival/departure) as claimed.

Next, appellant states the claimed “event observer” is not disclosed or suggested by Conrad et al. In particular, “an event observer, said event observer receiving said event pairs from said event retriever, calculating the difference between said actual and target value, and based on one or more rules from a set or rules”. The Examiner interprets a local operations center (LOC) or a global operations center (GOC) disclosed by Conrad et al as being an event observer. Here, the LOC/GOC is linked to the airline and aircraft (col.4, lines 32-38; col. 8, lines 9-19) and receives data (col. 4 lines 49-52) including flight information (estimated time and actual time) which is determined or calculated (col. 7, lines 63-67 and col. 8, line 1) based upon a difference in the estimated and actual time whether how long or how much or what type of content (audio, video, data) is distributed to aircraft according to threshold criteria or rules (route of the flight, alternate routes, weather conditions, signal interruption) that effect the content (col. 4, lines 43-49; col. 4, lines 63-67 and col. 5, line 1). As the content is delivered to the aircraft via satellite links from the LOC/GOC to the aircraft, the LOC/GOC notifies an onboard controller and an onboard media server of the aircraft as to what and how much content is to be provided to passengers during a period of inactivity (col. 9, lines 29-32 and col. 10, lines 34-38). The onboard controller and onboard media server acts as a detector as well as a manager of all the incoming content (col. 13, lines 1-8). This interpretation is in response to the appellant’s limitations of “identifying and notifying a window of opportunity detector regarding potential windows of opportunities, wherein each potential window of opportunity defines a time period of customer inactivity”.



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As a detector, the onboard controller/onboard media server detects and formulates play-out schedules of content to meet one or more rules from a second set of criteria/rules (col. 6, lines 30-35 and lines 59-66), similar to appellant's limitations "said window of opportunity detector, which receives said potential windows of opportunity, detects, base on one or more rules from a set of second rules, if a window of opportunity exists". Play-out schedules are created to maximize the value to passengers and to advertisers (windows of opportunity) thus, the play-out schedules matches the needs of the passengers with the desires of the advertisers to tailor to passengers while inactive and to fill requests of advertisers via advertisement slots ("if so, matches said detected windows of opportunities with service providers" as claimed).

Regarding appellant's remarks that Conrad et al fail to disclose or suggest all of the limitations of claim 15 is not persuasive. In particular, appellant states Conrad et al fails to disclose or suggest electronically acquiring service schedules of one or more service providers. Here, the Examiner believes "service providers" are synonymous with advertisers and treated as such. As to service schedules, Conrad et al, as explained above, includes a global operations center (GOC) and local operations center (LOC) interfaced with advertisers (col. 5, line 9), the advertisers pay for available content slots, reserve future ad slots and various other ad information in order to increase sells of goods and/or services to passengers on a flight while the passengers are inactive or blocked or delayed. The GOC/LOC configures and maintains advertisement schedules from the advertisers, send completed advertisement schedules back to the advertisers for settlement or completeness, then the advertisement schedules are up-loaded from the GOC/LOC to be distributed accordingly to an appropriate LOC and lastly to the on-board controller/onboard media server.

In addition, the process step limitation of “checking if potential customers are blocked”, interpreted broadly in view of Conrad et al is considered if passengers are delayed before departure or delayed before arrival or delayed in-flight due to some unseen circumstance altering a schedule, thus a setback is considered a period of inactivity or blockage.

In response to appellant’s remarks that the Examiner fails to address in particular the limitations of claims 2, 6, 8, 10, 12, 16, 17, 21, 24, 25, 27 and 28 are noted, however the Examiner believes the above claim limitations are broad inherent functions of the structure set forth in Conrad et al and such an explanation would be obvious to one of ordinary skill who considered the complete disclosure of Conrad et al. In any event, the Examiner believes Conrad et al meets the limitations of claim 2 because the airline(s) utilizes advertiser information such as, advertiser preference (destination or flight phase) or priority which is maintained as a data log file in an advertiser profile database to assist in the formation of an event pair.

As to claims 6, 8, 24 and 25, the one or more rules from the set of second rules may be provided externally by advertisers, for example, the advertisers may include a service schedule rule prescribing additional control of access of advertisement data/content to extend from an original indicated zone (first class) in the aircraft to one or more additional zones (business class; coach class) stored in data base within the GOC/LOC. Claim 10 is described above with the broad interpretation of the airline.

As to claims 12, 17 and 27, Fig. 1 illustrates a flow chart characterizing a network.

As to claim 16, the recited limitations in this claim are interpreted as a broader re-wording of the limitations set forth in appellant’s independent claims 1, 20 and 26. In particular, these limitations are addressed above in this Answer under the grounds of rejection heading.

Claim 21 is addressed above in this Answer. As to claim 28, the Internet as described by Conrad et al interconnects the system of delivery of data to passengers and posting data is accomplished via hypertext terminal protocol (col. 10, lines 10-15).

Turning to appellant's arguments pertaining to the rejection of claims 3, 4, 11, 13, 18 and 29-31 as an obvious-type rejection are not persuasive. It is well known in to incorporate a network with various software platforms to communicate, execute and translate data into readable formats that increase efficiency, user-friendliness and maintenance-free implementation. Although, Conrad et al does not disclose the specific software and software programs as claimed, the infrastructure of the network between the airlines, aircraft, global and local operations centers and the advertisers are equipped to implement inter-changeable hardware and software as well as additional links in the network without departing from the scope of the intended use. Therefore, it becomes obvious to one of ordinary skill that the interface involving the audio, video and data content supplied to the aircraft is multi-dimensional and sufficiently diverse to incorporate the data software and data programs claimed so as to offer an economically-viable broadcast network to passengers by vastly increasing the value of both advertisers and passengers with limitless capability.

In conclusion, Conrad et al provides a system and a method of distributing media context to passengers for enhancing sales for service providers by utilizing an opportunistic approach based on preprogrammed or stored or real-time (live) media or data context based on an unexpected change in a schedule or services or based on a planned schedule or service. Further, the system of Conrad et al automatically identifies windows of opportunity and once such a window of opportunity is detected, the system determines whether what type, how long or short

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or whether the stored, preprogrammed or real-time media context is appropriate based on a change of a schedule or an unaffected schedule, and service providers to enhance sales use this information. Heuristics is used to determine a window of opportunity based on schedule changes, which are associated with a rule database. Thus, the system and method of Conrad et al utilizes a network-based technology and communication to create additional sales for service providers interpreted broadly (col. 15, lines 31-44; col. 16, lines 30-43).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,


André L. Jackson

Patent Examiner AU 3677

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